IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10383 of 2004

Between:

Dr. D. Govindaiah, S/o Raghavulu,
Osmania General College,Hyderabad, R/o Akbarbagh, Malakpet, Hyderabad.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep. by its Principal Secretary, Health, Medical and
Family Welfare Department, Secretariat, Hyderabad.
2 Director of Medical Services, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the orders of the A.P. Administrative Tribunal, Hyderabad in O.A.No. 7466/1999 dt. 25-3-2004 as illegal, contrary to law etc, while also declaring the action of the Respondents in not passing orders on the representation submitted by the petitioner on 8-5-1997 as illegal, arbitrary, improper etc, and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper

Counsel for the Petitioner:MR.V.V.L.N.SARMA

Counsel for the Respondents: GP FOR SERVICES II

The Court Made the Following :

ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

This writ petition is directed against the order dated 25.03.2004 passed in O.A.No.7466 of 1999 on the file of A.P.Administrative Tribunal, Hyderabad, which is dismissed on the ground of laches.

2. The petitioner herein retired as Professor of Forensic Medicine in the year 1991. After lapse of nearly eight years he approached the Administrative Tribunal for promotion on the ground that his juniors are promoted as Additional Directors from Civil Assistant Surgeons in the year 1992 under G.O.Ms.No.99, Health, Medical and Family Welfare Department, dated 04.03.1992. The Tribunal having dismissed the O.A., the petitioner filed the present Writ Petition.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. It is no more in dispute that the petitioner retired from service in the year 1991. The said G.O.Ms. came to be issued in 1992 promoting 123 professors alleged to be juniors to the petitioner. The petitioner did not choose to question the G.O. soon after a within reasonable time. Further having waited nearly nine years, he filed O.A questioning the promotions effected in the said G.O. The learned Tribunal dismissed the O.A. on the ground of laches on the part of the petitioner. We do not see any illegality in the finding recorded by the learned Tribunal. When the petitioner was retired from service in 1991 and the G.O. was issued on

04.03.1992, he did not take any step to challenge the promotions within a reasonable time and thus we find there are clear and unexplained laches. We do not find any ground to interfere with the order passed by the Tribunal.

5. Accordingly, the writ petition is dismissed. No costs.

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G.BIKSHAPATHY, J

25TH JUNE, 2004

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B.SESHASAYANA REDDY, J

YCR